

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION AT MEMPHIS

MARTHA GARTH,
Administrator *ad Litem* of the Estate of
ROBERT LEE HOWARD, JR., deceased,
Plaintiff,

vs.

Civil Action No.2:21-cv-02819

PATRIC FERGUSON,
Defendant.

NOTICE TO COURT AND PARTIES OF THE STATUS OF THE STATE CASE

COMES NOW PATRIC FERGUSON, by and through his counsel, Jason D. Ballenger, and notices to the Court and all parties that the state case is still pending. Experts have been obtained and the matter is under investigation by the defense. Negotiations are still open with the state but there has been no resolution of this matter. The newly elected District Attorney General, Steve Mulroy, has reviewed this matter and has decided to withdraw the State's Notice of Intent to Seek the Death Penalty. Although Assistant District Attorney, Paul Hagerman, has stated on the record in Shelby County Criminal Court Division IX that the State no longer intends to seek the death penalty in this matter, the State has yet to file a formal notice to that effect. Upon the State's determination to no longer seek the death penalty against Mr. Ferguson, and after a hearing to determine a setting of bail, Judge Jennifer Fitzgerald set Mr. Ferguson's bail at \$400,000. Mr. Ferguson has subsequently posted that bail and is under Court ordered GPS monitoring. Mr. Ferguson's case is currently set for trial on January 16, 2024 in Shelby County Criminal Court Division IX.

Upon this update regarding the status of Mr. Ferguson's State criminal case, counsel requests that his appearance be excused for the October 19, 2023 status conference.

Respectfully submitted this 18th day of October, 2023.

THE LAW OFFICE OF
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s/Jason Ballenger BPR: 29578

Certificate of Service

I, the undersigned, do hereby certify that a true and correct copy of the foregoing notice has been served upon the following via the ECF system of the Court on the 18th day of October, 2023, to the following:

Counsels for Plaintiff

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*s/*Jason Ballenger